

REMARKS

Claims 1-16 are pending in the present application, of which claims 1 and 12 have been amended. Claims 1 and 12 have been amended to recite that the reaction layer contains an admixture of the enzyme and at least one additive.

Adequate written descriptive support for this amendment can be found throughout the detailed specification. For example, on page 7, beginning on line 8, Applicant describes making a reaction layer on a glucose sensor by mixing and dissolving an enzyme with an additive and then dropping the solution into place. On or about the last line of that page, Applicant describes the advantage of having an enzyme and additive which is easily dissolvable in a sample solution. For example, Applicant describes that when a sample solution is added to the reaction layer, the reaction layer is immediately dissolved in the sample solution and thus the enzyme reaction and electrode reaction can proceed smoothly which is advantageous. Accordingly, it is respectfully submitted that one of ordinary skill in the art would have recognized that Applicant had possession of the now claimed subject matter.

Allowable Subject Matter

Claims 2, 3, 6-10 and 16 were indicated as containing allowable subject matter.

Rejection Under 35 USC 103

The only remaining issue in this case is the rejection of claims 1, 4, 5, and 11-15 under 35 USC 103 as unpatentable over the newly cited English language translation of Yoshioka (JP 10-227755) in view of newly cited English language translation of Akio (JP 09-262086). The rejection is traversed and it is respectfully submitted that the now claimed subject matter is patentable within the meaning of 35 USC 103.

Independent claims 1 and 12 now require that the reaction layer contains an admixture of at least pyrrolo-quinoline quinine dependent glucose dehydrogenase and at least one additive selected from the specified group.

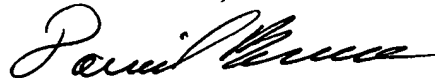
In contrast, Akio requires that its enzyme be immobilized by a coordinated bond, which forms a composite with the substrate, i.e., a covalently bonded immobilized enzyme. It is respectfully submitted that this teaching is the opposite of the claimed subject matter. Independent claims 1 and 12 require that the reaction layer contains an admixture of the enzyme and the additive. As discussed in the present specification, the solubility of the enzyme and additive facilitate the performance of the glucose sensor. This advantage, however, is not recognized or acknowledged in the cited art. Indeed, Akio teaches the opposite of the claimed subject matter. For this reason alone, it is respectfully submitted that the cited references do not negate the patentability of the claimed subject matter. Accordingly, favorable consideration and allowance of the application are respectfully solicited.

Based on the foregoing, it is respectfully submitted that entry of the amendment would render all of the claims as allowable. Accordingly, entry of this amendment pursuant to 37 CFR 1.116 is respectfully solicited.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

MCDERMOTT, WILL & EMERY



Daniel Bucca, Ph.D.

Registration No. 42,368

600 13th Street, N.W.
Washington, DC 20005-3096
(202) 756-8000 DB:MWE
Facsimile: (202) 756-8087
Date: December 8, 2003